

By: Campbell

H.B. No. 2434

A BILL TO BE ENTITLED

AN ACT

relating to the registration of voters and certain election practices and procedures; providing criminal penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 1.012, Election Code, is amended by adding Subsection (d) to read as follows:

(d) In this code, "election record" includes:

(1) anything distributed or received by government under this code;

(2) anything required by law to be kept by others for information of government under this code; or

(3) a certificate, application, notice, report, or other document or paper issued or received by government under this code.

SECTION 2. Chapter 1, Election Code, is amended by adding Sections 1.017 and 1.018 to read as follows:

Sec. 1.017. INELIGIBILITY NO DEFENSE TO PROSECUTION. It is no defense to prosecution under this code that a person who receives an official ballot is ineligible to vote in the election for which the ballot is received.

Sec. 1.018. APPLICABILITY OF PENAL CODE. In addition to Section 1.03, Penal Code, and to other titles of the Penal Code that may apply to this code, Title 4, Penal Code, applies to offenses prescribed by this code.

1 SECTION 3. Section 13.002(c), Election Code, is amended to
2 read as follows:

3 (c) A registration application must include:

4 (1) the applicant's first name, middle name, if any,
5 last name, and former name, if any;

6 (2) the month, day, and year of the applicant's birth;

7 (3) a statement that the applicant is a United States
8 citizen;

9 (4) a statement that the applicant is a resident of the
10 county;

11 (5) a statement that the applicant has not been
12 determined mentally incompetent by a final judgment of a court;

13 (6) a statement that the applicant has not been
14 finally convicted of a felony or that the applicant is a felon
15 eligible for registration under Section 13.001;

16 (7) the applicant's residence address or, if the
17 residence has no address, the address at which the applicant
18 receives mail and a concise description of the location of the
19 applicant's residence;

20 (8) if the application is made by an agent, a statement
21 of the agent's relationship to the applicant; ~~and~~

22 (9) the applicant's Texas driver's license number or
23 number of the applicant's personal identification card issued by
24 the Department of Public Safety, if the person has been issued a
25 license or card;

26 (10) if the applicant has been issued a social
27 security number, the applicant's social security number;

- 1 (11) a current photograph of the applicant; and
2 (12) the city and county in which the applicant
3 formerly resided.

4 SECTION 4. Section 13.004(b), Election Code, is amended to
5 read as follows:

6 (b) The registrar may transcribe, copy, or otherwise record
7 a social security number furnished on a registration application
8 only in:

- 9 (1) maintaining the accuracy of the registration
10 records; or
11 (2) assigning a voter registration number as provided
12 by Section 13.141.

13 SECTION 5. Section 13.122(a), Election Code, is amended to
14 read as follows:

15 (a) In addition to the other statements and spaces for
16 entering information that appear on an officially prescribed
17 registration application form, each official form must include:

18 (1) the statement: "I understand that giving false
19 information to procure a voter registration is perjury and a crime
20 under state and federal law.";

21 (2) a space for the applicant's registration number;

22 (3) a space for the applicant's Texas driver's license
23 number or number of a personal identification card issued by the
24 Department of Public Safety;

25 (4) a space for the applicant's telephone number;

26 (5) a space for the applicant's social security
27 number;

1 (6) a space for the applicant's sex;

2 (7) a statement indicating that the furnishing of the
3 applicant's [~~driver's license number, personal identification card~~
4 ~~number,~~] telephone number[~~, social security number,~~] and sex is
5 optional;

6 (8) a space or box for indicating whether the
7 applicant or voter is submitting new registration information or a
8 change in current registration information;

9 (9) a statement instructing a voter who is using the
10 form to make a change in current registration information to enter
11 the voter's name and the changed information in the appropriate
12 spaces on the form;

13 (10) a statement that if the applicant declines to
14 register to vote, that fact will remain confidential and will be
15 used only for voter registration purposes;

16 (11) a statement that if the applicant does register
17 to vote, information regarding the agency or office to which the
18 application is submitted will remain confidential and will be used
19 only for voter registration purposes; [~~and~~]

20 (12) a statement that the applicant must provide a
21 current photograph of the applicant; and

22 (13) any other voter registration information
23 required by federal law or considered appropriate and required by
24 the secretary of state.

25 SECTION 6. Section 13.141(b), Election Code, is amended to
26 read as follows:

27 (b) The secretary of state shall [~~may~~] prescribe a uniform

1 system for assigning voter registration numbers. The system must
2 assign registration numbers to voters as follows:

3 (1) if a voter has a Texas driver's license number or
4 number of a personal identification card issued by the Department
5 of Public Safety and a social security number, the voter
6 registration number is the number from the license or card followed
7 by the last four digits of the person's social security number; and

8 (2) if the voter does not have a number of a driver's
9 license or a personal identification card and a social security
10 number, the voter shall be assigned a unique number [~~If a uniform~~
11 ~~system is not prescribed, the registrar shall use a system that~~
12 ~~promotes efficient and accurate administration of voter~~
13 ~~registration~~].

14 SECTION 7. Section 15.001, Election Code, is amended to
15 read as follows:

16 Sec. 15.001. REQUIRED CONTENTS. (a) Each voter
17 registration certificate issued must contain:

18 (1) the voter's name in the form indicated by the
19 voter, subject to applicable requirements prescribed by Section
20 13.002 and by rule of the secretary of state;

21 (2) the voter's residence address or, if the residence
22 has no address, the address at which the voter receives mail and a
23 concise description of the location of the voter's residence;

24 (3) the month, day, and year of the voter's birth;

25 (4) the number of the county election precinct in
26 which the voter resides;

27 (5) the voter's effective date of registration if an

1 initial certificate;

2 (6) the voter's registration number;

3 (7) an indication of the period for which the
4 certificate is issued;

5 (8) a statement explaining the circumstances under
6 which the voter will receive a new certificate;

7 (9) a space for stamping the voter's political party
8 affiliation;

9 (10) a statement that voting with the certificate by a
10 person other than the person in whose name the certificate is issued
11 is a felony;

12 (11) a space for the voter's signature;

13 (12) a statement that the voter must sign the
14 certificate personally, if able to sign, immediately on receipt;

15 (13) a space for the voter to correct the information
16 on the certificate followed by a signature line;

17 (14) the statement: "If any information on this
18 certificate changes or is incorrect, correct the information in the
19 space provided, sign below, and return this certificate to the
20 voter registrar."; ~~and~~

21 (15) a picture of the voter; and

22 (16) the registrar's mailing address and telephone
23 number.

24 (b) A certificate may not contain:

25 (1) the voter's telephone number;

26 (2) the voter's social security number, except for the
27 last four digits included in a voter's registration number; or

1 (3) except as provided by Section 15.002, any other
2 information not specified by Subsection (a).

3 (c) The registrar shall require a voter to provide a new
4 picture every 10 years for inclusion in the registration
5 certificate.

6 SECTION 8. Subchapter E, Chapter 31, Election Code, is
7 amended by adding Section 31.124 to read as follows:

8 Sec. 31.124. HIRING OF EMPLOYEES BY CERTAIN OFFICIALS
9 CONDUCTING ELECTIONS. (a) This section applies only to:

10 (1) a county elections administrator;

11 (2) a county clerk who performs duties under this
12 code; and

13 (3) a county tax assessor-collector who performs
14 duties under this code.

15 (b) For an office to which this section applies, if
16 following a primary election in the county more than 70 percent of
17 the employees who perform duties related to registration of voters
18 or the holding of an election voted in one party's primary, the
19 office shall seek future job applicants who did not vote in that
20 party's primary.

21 (c) To assist in complying with Subsection (b), the chair of
22 a political party holding a primary in the county other than the
23 party described in Subsection (b) may provide a written list of
24 persons to that office of persons qualified to work in the office.

25 SECTION 9. Section 32.034(a), Election Code, is amended to
26 read as follows:

27 (a) The clerks for the general election for state and county

1 officers or for a special election to fill a vacancy in an office
2 regularly filled at the general election shall be selected from
3 different political parties in equal numbers from the lists
4 provided in this section if possible. Not later than the 30th day
5 before the date of an election, the commissioners court shall
6 provide notice to the county chair of each party that may submit a
7 list under this section of the maximum number of clerks per precinct
8 that each party may seek to have appointed to serve a precinct under
9 this section.

10 SECTION 10. Section 32.091(a), Election Code, is amended to
11 read as follows:

12 (a) An election judge or clerk is entitled to compensation
13 for services rendered at a precinct polling place at an hourly rate
14 not to exceed \$2 an hour above the federal minimum hourly wage as
15 set [the amount fixed] by the appropriate authority~~[, which amount~~
16 ~~must be at least the federal minimum hourly wage]~~. A judge or clerk
17 may be compensated at that rate for services rendered under Section
18 62.014(c).

19 SECTION 11. Section 63.0101, Election Code, is amended to
20 read as follows:

21 Sec. 63.0101. DOCUMENTATION OF PROOF OF IDENTIFICATION.
22 The following documentation is acceptable as proof of
23 identification under this chapter:

24 (1) a driver's license or personal identification card
25 issued to the person by the Department of Public Safety or a similar
26 document issued to the person by an agency of another state, and
27 written proof of the last four digits of the person's social

1 security number [~~regardless of whether the license or card has~~
2 ~~expired~~];

3 (2) a form of government identification containing the
4 person's photograph that establishes the person's identity and
5 written proof of the last four digits of the person's social
6 security number;

7 (3) a birth certificate or other document confirming
8 birth that is admissible in a court of law and establishes the
9 person's identity and written proof of the last four digits of the
10 person's social security number;

11 (4) United States citizenship papers issued to the
12 person and written proof of the last four digits of the person's
13 social security number;

14 (5) a United States passport issued to the person and
15 written proof of the last four digits of the person's social
16 security number;

17 (6) [~~pre-printed checks containing the person's name~~
18 ~~that are issued for a financial institution doing business in this~~
19 ~~state~~;

20 [~~(7) official mail addressed to the person by name~~
21 ~~from a governmental entity~~;

22 [~~(8)~~] two other government forms of photo
23 identification that establish the person's identity; or

24 (7) [~~(9)~~] any other form of identification prescribed
25 by the secretary of state.

26 SECTION 12. Section 64.036, Election Code, is amended by
27 amending Subsections (a) and (d) and adding Subsection (e) to read

1 as follows:

2 (a) A person commits an offense if the person knowingly:

3 (1) provides assistance to a voter who is not eligible
4 for assistance;

5 (2) while assisting a voter prepares the voter's
6 ballot in a way other than the way the voter directs or without
7 direction from the voter; ~~[or]~~

8 (3) while assisting a voter suggests by word, sign, or
9 gesture how the voter should vote; or

10 (4) provides assistance to a voter who has not
11 requested assistance or selected the person to assist the voter.

12 (d) Except as provided by Subsection (e), an ~~[An]~~ offense
13 under this section is a Class B misdemeanor.

14 (e) An offense under this section committed in regard to a
15 voter casting an early voting ballot by mail is a Class A
16 misdemeanor.

17 SECTION 13. Section 84.002, Election Code, is amended by
18 adding Subsection (c) to read as follows:

19 (c) An application for a ballot to be voted by mail on the
20 ground of disability must include a statement signed by the
21 applicant to read as follows: "I have a sickness or physical
22 condition that prevents me from appearing at the polling place on
23 election day without a likelihood of needing personal assistance or
24 injuring my health." The application must include the name of a
25 physician or other health care provider treating the applicant.

26 SECTION 14. Subchapter A, Chapter 84, Election Code, is
27 amended by adding Section 84.0042 to read as follows:

1 Sec. 84.0042. UNLAWFUL ASSISTANCE WITH APPLICATION. (a) A
2 person commits an offense if the person completes any portion of an
3 applicant's early voting ballot application except as requested by
4 the applicant.

5 (b) An offense under this section is a Class B misdemeanor.

6 SECTION 15. Section 85.001(a), Election Code, is amended to
7 read as follows:

8 (a) The period for early voting by personal appearance
9 begins on the 10th [~~17th~~] day before election day and continues
10 through the fifth [~~fourth~~] day before election day, except as
11 otherwise provided by this section.

12 SECTION 16. Sections 85.006(a) and (e), Election Code, are
13 amended to read as follows:

14 (a) The [~~Except as provided by Subsection (b), the~~]
15 authority ordering an election shall [~~may~~] order early voting by
16 personal appearance at the main early voting polling place to be
17 conducted on each Saturday or Sunday [~~one or more Saturdays or~~
18 ~~Sundays~~] during the early voting period.

19 (e) In a primary election or the general election for state
20 and county officers [~~in a county with a population of 100,000 or~~
21 ~~more~~], the early voting clerk shall order personal appearance
22 voting at the main early voting polling place to be conducted for at
23 least 12 hours on the [~~last~~] Saturday and for at least five hours on
24 the [~~last~~] Sunday of the early voting period. [~~The early voting~~
25 ~~clerk shall order voting to be conducted at those times in those~~
26 ~~elections in a county with a population under 100,000 on receipt of~~
27 ~~a written request for those hours submitted by at least 15~~

1 ~~registered voters of the county. The request must be submitted in~~
2 ~~time to enable compliance with Section 85.007.]~~ This subsection
3 supersedes any provision of this subchapter to the extent of any
4 conflict.

5 SECTION 17. Section 85.069, Election Code, is amended by
6 amending Subsection (b) and adding Subsections (c) and (d) to read
7 as follows:

8 (b) The composition of the set of election officers serving
9 a branch polling place must provide to the extent possible equal
10 representation for each political party conducting a primary
11 election in the county.

12 (c) The county chair of a political party whose candidate
13 for governor received the highest or second highest number of votes
14 in the county in the most recent gubernatorial general election
15 may, not later than the 25th day before a general election or the
16 10th day before a special election to fill a vacancy in an office
17 regularly filled at the general election, submit to the early
18 voting clerk a list containing names of persons to serve as election
19 officer at a branch polling place.

20 (d) For an election in which a county chair submits a list
21 under Subsection (c), the early voting clerk shall notify the
22 county chair of each person appointed from the list to serve as a
23 branch polling place election officer in the election.

24 SECTION 18. Section 87.041(b), Election Code, is amended to
25 read as follows:

26 (b) A ballot may be accepted only if:

27 (1) the carrier envelope certificate is properly

1 executed;

2 (2) [~~neither~~] the voter's signature on the ballot
3 application and [~~nor~~] the signature on the carrier envelope
4 certificate match the voter's signature on the registration
5 application [~~is determined to have been executed by a person other~~
6 ~~than the voter~~], unless signed by a witness;

7 (3) the voter's ballot application states a legal
8 ground for early voting by mail;

9 (4) the voter is registered to vote, if registration
10 is required by law;

11 (5) the address to which the ballot was mailed to the
12 voter, as indicated by the application, was outside the voter's
13 county of residence, if the ground for early voting is absence from
14 the county of residence; and

15 (6) for a voter to whom a statement of residence form
16 was required to be sent under Section 86.002(a), the statement of
17 residence is returned in the carrier envelope and indicates that
18 the voter satisfies the residence requirements prescribed by
19 Section 63.0011.

20 SECTION 19. Section 88.003(a), Election Code, is amended to
21 read as follows:

22 [~~(a)~~] The procedure for disposing of a challenge under this
23 chapter is the same as the procedure prescribed by this code for
24 disposing of a challenge to a voter at a polling place [~~, except as~~
25 ~~provided by this section~~].

26 SECTION 20. Subchapter A, Chapter 173, Election Code, is
27 amended by adding Section 173.0081 to read as follows:

1 Sec. 173.0081. PROHIBITION OF OTHER COMPENSATION FOR
2 ELECTION PERSONNEL. The compensation of a person employed to
3 assist a county chair in connection with a primary election is
4 limited to the amount provided for the compensation by the state
5 under this chapter. Other funds may not be used to supplement the
6 compensation.

7 SECTION 21. Chapter 13, Code of Criminal Procedure, is
8 amended by adding Article 13.28 to read as follows:

9 Art. 13.28. ELECTION OFFENSE. An offense involving an
10 election may be prosecuted in Travis County or in the county in
11 which the offense was committed.

12 SECTION 22. The following sections of the Election Code are
13 repealed: 85.001(b) and (c); 85.006(b), (c), and (d); 87.041(e);
14 and 88.003(b), (c), (d), (e), and (f).

15 SECTION 23. This Act takes effect January 1, 2004.